

**BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2022**

Issued: December 8, 2022
Work Session: December 13, 2022
Legislative Day No. 22: December 19, 2022

*The accompanying notes are
compiled from unaudited
information provided by
the Administration and
other sources.*



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

December 19, 2022

NOTES TO THE AGENDA

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**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2022, LEGISLATIVE DAY NO. 22
DECEMBER 19, 2022 2:00 P.M.**

**CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE**

Page

CALL OF BILLS FOR FINAL READING AND VOTE

- 1 **LAWRENCE RICHARDSON, DEPUTY DIRECTOR, F&A, DEPARTMENT HEALTH & HUMAN SERVICES**
Bill 79-22 – Mr. Jones(By Req.) – CEB – Surplus Funding Family Planning and Reproductive Health
- 4 **TERRY HICKEY, DIRECTOR, DEPARTMENT HOUSING & COMMUNITY DEVELOPMENT**
Bill 80-22 – Mr. Jones(By Req.) – CEB – MDDHCD-HSP-Homeless Solutions Program
- 7 **LEONARD HOWIE, DIRECTOR, DEPARTMENT OF ECONOMIC & WORKFORCE DEVELOPMENT**
Bill 81-22 – Mr. Jones(By Req.) – CEB – Workforce Solutions to Address Homelessness
- 10 **LAURA RILEY, DIRECTOR, DEPARTMENT OF AGING**
Bill 82-22 – Mr. Jones(By Req.) – CEB – Senior Information & Assistance
- 13 **STEVE LAFFERTY, DIRECTOR, DEPARTMENT OF PLANNING**
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16 Bill 83-22 – Mr. Jones(By Req.) – CEB – CLG Grant – Baltimore County Design Guidelines Update
Bill 84-22 – Mr. Jones(By Req.) – The Comprehensive Zoning Map Process
- 19 **JAMES BENJAMIN, COUNTY ATTORNEY, OFFICE OF LAW**
Bill 85-22 – Mr. Jones(By Req.) – Membership requirements for the Administrative Charging Committee

APPROVAL OF FISCAL MATTERS/CONTRACTS

- 25 **LEONARD HOWIE, DIRECTOR, DEPARTMENT OF ECONOMIC & WORKFORCE DEVELOPMENT**
1. Contract – Marriner Marketing Communications, Inc. – Creative rebranding – Baltimore County
Tourism-DEWD
- 29 **PETE GUTWALD, DIRECTOR, DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS**
2. Contracts – (2) – Rat eradication - PAI
- 35 **D'ANDREA WALKER, ACTING DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION**
3. Purchase Order – Raftelis Financial Consultants, Inc. – Financial consulting services – Validation – water
rates & sewer charges - DPWT
- * 4. Amendment to Contract – Waste Management of Maryland, Inc. – Waste management services – DPWT
- 38 5. Contract – A.S.B. 2 Enterprises, Inc. – Snow removal/deicing services – DPWT
- 43 6. Purchase Order – Itron, Inc. – Mobile meter data collection – field meter reads – DPWT
- 38 7. Contract – R.L. Johnson Asphalt, Paving & Seal Coating, Inc. – Snow removal/deicing services – DPWT
- * 8. Amendment #2 to Contract – BFI Waste Services, LLC – Solid waste transfer/disposal services – Western
Acceptance Facility (WAF) – DPWT
- * 9. Purchase Order – Robert Half International, Inc. – Temporary staffing services - DPWT

* Addendum

MISCELLANEOUS BUSINESS

53 1. Correspondence - (a) (1) - Non-Competitive Awards (November 14, 2022)

D'ANDREA WALKER, ACTING DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

47 2. Res. 48-22 – Mr. Jones(By Req.) – Baltimore County Water Supply and Sewerage Plan

49 3. Res. 49-22 – Mr. Jones(By Req.) – Adopt – Daniels Sharpsmart Medical Waste Facility amendment –
Baltimore County Solid Waste Management Plan

DAVID LYKENS, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

* 4. Res. 50-22 – Mr. Jones(By Req.) – Baltimore County Financial Assurance Plan – Watershed Protection &
Restoration Program

* Addendum

Bill 79-22 (Supplemental Appropriation)**Council District(s) All****Mr. Jones (By Req.)****Department of Health and Human Services****Surplus Funding Family Planning and Reproductive Health**

The Administration is requesting a supplemental appropriation of federal funds totaling \$172,000 to the Surplus Funding Family Planning and Reproductive Health Gifts and Grants Fund program. The funds will be used primarily for 2 to 3 part-time contractual positions (i.e., Nursing Assistants, Office Assistants), supplies, equipment, and advertising for Family Planning and Reproductive Health program services. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 172,000	--	\$ 172,000
Other	--	--	--
Total	<u>\$ 172,000</u>	<u>--</u>	<u>\$ 172,000</u>

⁽¹⁾ U.S Department of Health and Human Services, Title X Services funds passed through the Maryland Department of Health. No County matching funds are required.

Analysis

The Department's Family Planning and Reproductive Health program offers a broad range of services at its Health Centers including contraception, pregnancy testing, gynecologic and breast examinations, screening tests for anemia and rubella, HIV testing, screening and treatment for sexually transmitted infections, and pap smears.

The Department will use the proposed \$172,000 supplemental appropriation as follows:

- \$80,000 for 2 to 3 part-time contractual positions (i.e., Nursing Assistants, Office Assistants) to perform services including phlebotomy, data entry, filing, and scanning;
- \$64,000 for supplies, equipment, and equipment maintenance, including the purchase of laptops with cameras for telehealth services and a colposcopy machine;
- \$14,236 for indirect costs related to collections (coverage of shortages related to under- and uninsured clients, non-recoupable fees, etc.);
- \$10,000 for movie theater and MTA bus advertising; and
- \$3,764 for other costs (i.e., overtime, mileage, FICA).

The Department estimates 5,000 client visits during the grant period.

The grant period is July 1, 2022 through June 30, 2023. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 79-22 will take effect January 1, 2023.

Executive Summary

Supplemental Appropriation
Surplus Funding Family Planning and Reproductive Health

The Baltimore County Department of Health and Human Services is requesting a \$172,000 supplemental appropriation for our Surplus Funding Family Planning and Reproductive Health grant. Additional funding for our Family Planning and Reproductive Health program was provided by the Maryland Department of Health for FY 2023. The additional funds will be used to hire additional contractual staff, advertise our services, service our clinic equipment, purchase equipment to expand our telehealth services as well as purchase additional medical and office supplies.

The Family Planning and Reproductive Health program is a program within the Baltimore County Department of Health's Bureau of Clinical Services. The Family Planning Program offers a broad range of services beyond contraception. These services include pregnancy testing; gynecologic and breast examinations; screening tests for anemia and rubella; HIV testing, screening and treatment for sexually-transmitted infections including, gonorrhea, chlamydia and syphilis; and Pap smears. During a typical visit, a client undergoes an extensive medical, social, and sexual history review; focused physical examination; counseling regarding contraceptive options; laboratory testing; and contraception/medication distribution. A full range of contraceptive options is available including long-acting reversible contraceptives (LARC), condoms, diaphragms, birth control pills, contraceptive injections, vaginal rings, contraceptive patches, etc. Counseling about the importance of addressing other identified problems is provided as well as referrals and case coordination for abnormal findings on screenings such as obesity, hypertension, thyroid disorders, and diabetes.

The Maryland Department of Health is providing \$172,000 for FY 2023.

Prepared by: Department of Health and Human Services

Bill 80-22 (Supplemental Appropriation)**Council District(s) All****Mr. Jones (By Req.)****Department of Housing and Community Development****MDDHCD – HSP – Homeless Solutions Program**

The Administration is requesting a supplemental appropriation of federal funds totaling \$81,867 to the Homeless Solutions Program – HSP (State DHCD) Gifts and Grants Fund program (as amended). The Department advised that the funds will be used to provide housing-related services, including housing navigation and rental payments, for Afghan refugees. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	\$ 465,964 ⁽²⁾	\$ 465,964
Federal	\$ 81,867 ⁽¹⁾	--	81,867
Other	--	--	--
Total	\$ 81,867	\$ 465,964	\$ 547,831

⁽¹⁾ U.S. Department of Health and Human Services (DHHS), Additional Afghanistan Supplemental Appropriations Act, 2022 (ASA) funds passed through the Maryland Department of Housing and Community Development. No County matching funds are required.

⁽²⁾ Maryland Department of Housing and Community Development.

Analysis

The Department advised that the proposed \$81,867 supplemental appropriation will be used to provide housing-related services, including housing navigation and rental payments, for Afghan refugees who have resettled in the County. The Department further advised that in accordance with the guidance and cost calculations provided by the Maryland Department of Housing and Community Development, it estimates that the funding will support three to five families for 4 to 8

months. The Department also advised that refugee service providers will refer clients to the County.

The grant period is April 1, 2022 through June 30, 2023. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 80-22 will take effect December 19, 2022.

Executive Summary

The Baltimore County Department of Housing and Community Development (DHCD) seeks County Council approval of a supplemental appropriation in the amount of \$81,867 that will allow the County to access funds made available by the Maryland Department of Housing and Community Development (MD-DHCD).

DHCD has been allocated this additional funding pursuant to an amendment to a FY 2022 Grant Agreement between the County and MD-DHCD that authorizes the additional funding of \$81,867 from the State's Homeless Solutions Program (HSP). The purpose of the new funding is to allow the County to provide housing-related services, as and if needed, such as housing navigation and rental payments, to Afghan refugees. The funding will be appropriated into the County's FY 2023 budget. In accordance with the guidance and cost calculation provided by MD-DHCD, DHCD estimates that the funding will assist at least three (3) households, up to five based on available funding.

	Number of Households	Fair Market Rent for 3BR Unit + 20%*	Landlord Incentives	Backstop Rent Assistance (6 months)	Housing Navigation Services	CoC Admin Costs (8% of CoC costs)	Total (6 months of rental assistance)	Maximum Cost (9 months of backstop rent for all households instead of 6)
Baltimore County	3	\$2,171	\$6,512	\$39,074	\$9,300	\$4,391	\$59,278	\$81,866.40

Prepared by: Department of Housing and Community Development

Bill 81-22 (Supplemental Appropriation)**Council District(s) All****Mr. Jones (By Req.)****Department of Economic and Workforce Development****Workforce Solutions to Address Homelessness**

The Administration is requesting a supplemental appropriation of federal funds totaling \$200,000 to the Workforce Solutions to Address Homelessness Gifts and Grants Fund program. The funds, which are for a 3-year period, will be used primarily for the salary and benefits of one new part-time (34 hours/week) Homeless Services Career Consultant to assist individuals experiencing, or in danger of experiencing, homelessness with obtaining job skills and finding employment. The Department estimates 75 individuals will be served over the 3-year period. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 200,000	--	\$ 200,000
Other	--	--	--
Total	<u>\$ 200,000</u>	<u>--</u>	<u>\$ 200,000</u>

⁽¹⁾ U.S. Department of Labor, Employment and Training Administration funds passed through the Maryland Department of Labor, Division of Workforce Development and Adult Learning. No County matching funds are required.

Analysis

The Department advised that the proposed \$200,000 supplemental appropriation will be used to assist individuals experiencing, or in danger of experiencing, homelessness with obtaining job skills and finding employment. The Department further advised that clients will have the

opportunity to participate in job training (focused on targeted industries such as childcare, food service and hospitality, healthcare, and distribution/logistics), intensive case management, career consultation, and job readiness (i.e., development of cognitive skills such as reading, math, problem solving, and critical thinking, as well as soft skills such as adaptability, integrity, cooperation, and workplace discipline). Other activities and services may include: apprenticeship and work-based learning programs; individualized career planning and coaching; job search assistance; and job retention and support. The grant agreement indicates that the target population is job seekers experiencing homelessness and currently residing at either the County's Eastern Family Resource Center or the Westside Men's Shelter, which are operated by Community Assistance Network, Inc. (CAN). The Department estimates that 75 clients will be served during the 3-year grant period and that the services will be provided at the shelters.

The Department advised that it will use \$190,403 of the proposed funds for the salary and benefits of one new part-time (34 hours/week) Homeless Services Career Consultant, who will work with each client to provide assessments, intensive case management, and an individualized job search and/or training strategy. The Homeless Services Career Consultant will also work with an existing Job Developer and Homeless Services Case Manager within the Department and CAN, respectively. The remaining funds will be used primarily for administrative costs.

The grant period is October 1, 2022 through September 30, 2025. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 81-22 will take effect January 1, 2023.

Executive Summary

Baltimore County, through its Department of Economic and Workforce Development (DEWD), received a *Workforce Solutions to Address Homelessness (WSAH)* award from the Maryland Department of Labor in the amount of \$200,000. The source of the funding is the US Department of Labor. Funds must be expended by September 30, 2025.

The funding will allow Baltimore County to assist individuals experiencing, or in danger of experiencing, homelessness to obtain job skills and find employment. The subgrant will fund a Homeless Services Career Consultant who will collaborate with a Job Developer and a homeless services case manager and work as a team, supporting participants to achieve their career and training goals. Referrals will be from homeless service providers, and services will focus on a continuum of care and holistic approach to working with the same participant concurrently. The goal is to serve seventy-five (75) individuals over the grant period.

Individuals served under the subgrant will have the opportunity to participate in job training and other services, including intensive case management, career consultation and job readiness. Additional opportunities may include apprenticeship and work based learning programs, individualized career planning and coaching, job search assistance, and job retention/support.

Prepared by: Department of Economic and Workforce Development

Bill 82-22 (Supplemental Appropriation)**Council District(s) All****Mr. Jones (By Req.)****Department of Aging****Senior Information & Assistance**

The Administration is requesting a supplemental appropriation of State funds totaling \$92,970 to the Senior Information & Assistance Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to support the salary and benefits of one new full-time (35 hours/week) Human Services Associate position to provide information and referrals regarding long-term care options, counseling, benefits assistance, and the durable medical equipment loan closet to County seniors and adults with disabilities, their families, caregivers, and professionals. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State ⁽¹⁾	\$ 92,970	\$ 394,732	\$ 487,702
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 92,970</u>	<u>\$ 394,732</u>	<u>\$ 487,702</u>

⁽¹⁾ Maryland Department of Aging funds. No County matching funds are required.

Analysis

The purpose of the Senior Information & Assistance program is to provide information and referrals regarding long-term care options, counseling, benefits assistance, and the durable medical equipment loan closet to County seniors and adults with disabilities, their families,

caregivers, and professionals. The Department advised that the proposed supplemental appropriation will be used to support the salary and benefits of one new full-time (35 hours/week) Human Services Associate position for the program.

The FY 2023 Adopted Operating Budget included a \$394,732 appropriation to the Senior Information & Assistance Gifts and Grants Fund program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$92,970 to the program, increasing the total appropriation to the actual \$487,702 grant award.

The grant period is July 1, 2022 through June 30, 2023. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 82-22 will take effect January 1, 2023.

Executive Summary

Supplemental Appropriation Senior Information & Assistance

The Baltimore County Department of Aging is requesting approval of a supplemental appropriation of \$92,970 for the ***Senior Information & Assistance*** program.

The Senior Information & Assistance program is funded by the Maryland Department of Aging to provide information and referral for older adults and those with disabilities, their families and caregivers and professionals by phone and walk-ins. Long-term Care Options, Counseling, benefits assistance, loan closet.

The current FY2023 appropriation is \$394,732. This supplemental appropriation will make the total FY2023 appropriation \$487,702.

Prepared by: Department of Aging

Bill 83-22 (Supplemental Appropriation)

Council District(s) All

Mr. Jones (By Req.)

Department of Planning

CLG Grant – Baltimore County Design Guidelines Update

The Administration is requesting a supplemental appropriation of federal funds totaling \$13,000 to the CLG [Certified Local Government] Grant - Baltimore County Design Guidelines Update Gifts and Grants Fund program. The funds will be used to hire a consultant to assist the Department's staff with updating the "Baltimore County Historic Preservation Design Guidelines" document, which is used for County landmarks and Historic Districts. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 13,000	--	\$ 13,000
Other	--	--	--
Total	<u>\$ 13,000</u>	<u>--</u>	<u>\$ 13,000</u>

⁽¹⁾ National Park Service, Historic Preservation Fund passed through the Maryland State Historic Preservation Office. No County matching funds are required.

Analysis

The Department advised that the proposed supplemental appropriation will be used to hire a consultant (in late December or early January) to assist its staff with updating the "Baltimore County Historic Preservation Design Guidelines" document, which was last updated in 2010. The Department further advised that the updates will create a more user-friendly document, including fewer long paragraphs and more illustrations and photos with captions. The Department also

advised that the updated document will include a section concerning non-contributing resources in the County's 17 Historic Districts; include an approved materials list and information regarding the appropriate use of substitute materials; and provide additional information regarding solar panel installation as well as historic signs. The Department advised that the final product will include a downloadable, editable digital document as well as digital copies of all photos and illustrations; a small number of copies may be printed for staff and office use. Department staff will provide project management and assistance as needed.

The Department advised that the updated design guidelines will serve as a resource for individuals conducting reconstruction, rehabilitation, or restoration projects in County Historic Districts or to properties that are listed on the Preliminary or Final Landmarks List; in addition, the updated guidelines will provide a resource for the Landmarks Preservation Commission to use in decision making, and for the Department to use when reviewing alterations to any historic structures or properties.

The grant period is May 2, 2022 through June 30, 2023. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 83-22 will take effect January 1, 2023.

Executive Summary

Grant funds (\$13,000) will help support the cost of hiring a consultant to assist County Staff with updating Baltimore County's Design Guidelines, which were last updated in 2010. Previous updates were done in-house, when Preservation Services had more staff to assist with the work load. Unfortunately, we no longer have the staff numbers to take on this project and have it completed in the next year. The update to our guidelines will address recurring issues that come up in our meetings, specifically adding a section about Non-contributing resources in our 17 County Historic Districts. In addition, other updates will include making the document more user friendly with fewer long paragraphs, and include more illustrations and photos with captions.

Prepared by: Department of Planning

Bill 84-22

Council District(s) All

Mr. Jones (By Req.)

Department of Planning

The Comprehensive Zoning Map Process

Bill 84-22 amends the requirements and timing of the Department of Planning's report to the Planning Board ("Board") regarding its Comprehensive Zoning Map Process ("CZMP") recommendations. See Exhibit A.

The CZMP is prescribed in the Baltimore County Code and occurs every four years. This process enables changes to the County's zoning map and to the text of the Zoning Regulations. The next cycle begins in September 2023 and will conclude in September 2024 when the County Council will vote on the individual requests for rezoning. Property owners, organizations, the Department of Planning's Director, Board members, and County Councilmembers can request changes in the current zoning.

Under current law, the Department of Planning must provide a preliminary report, including the Director of Planning's recommendations, to the Board before the Board's required public hearing.

Bill 84-22 reverses the sequence and alters the nature of the information provided to the Board prior to the hearing. The bill requires the Director to provide an "information report" with all relevant material to the Board prior to the public hearing instead of a report that includes the recommendations. After the public hearings, Planning staff and the Director will develop and submit their preliminary recommendations to the Board prior to the Board's work sessions.

Additionally, the bill alters the notice requirement. Currently, public notice in two newspapers of general circulation is required before the public hearing. The bill changes the notice to be in one newspaper of general circulation and to be posted on the County's website at least 20 days before the public hearing.

Upon passage by the County Council, Bill 84-22 will take effect 45 days from the date of its enactment.

Executive Summary

The Comprehensive Zoning Map Process (“CZMP”) is proscribed in the Baltimore County Code and occurs every four years. This process enables changes to the County’s zoning map and to the text of the Zoning Regulations. The next cycle begins in September 2023 and will conclude in September 2024 when the County Council will vote on the individual requests for rezoning. Property owners, organizations, the Department of Planning Director, Planning Board members (“Board”) and the County Council can request changes in the current zoning.

The Code requires that a preliminary report, which includes the recommendations from the Director of Planning, be provided to the Board before the required public hearing. Public notice in two newspapers of general circulation is also required before the public hearing. However, requiring the preliminary report and recommendations to go to the Board prior to the public hearing deprives the Planning staff and Director of formal public input when they are developing preliminary recommendations.

The proposed legislation alters the sequence and nature of the information provided to the Board prior to the hearing. The proposed legislation will require the Director to provide an “information report” with all relevant material to the Planning Board prior to the public hearing instead of a report that includes the recommendations. After the public hearings, Planning staff and the Director will develop and submit their preliminary recommendations to the Board prior to the Board’s work sessions. Therefore, both the staff and Board will have the benefit of the community input prior to the recommendations and the Board work sessions where they will make their recommendations. This reverses the steps currently in the Code.

Additionally, the proposed bill alters the notice requirement. Notice would be given in one newspaper of general circulation and be posted on the County’s website at least 20 days before the public hearing.

These legislative changes will not extend, nor impact, the Board’s schedule for submitting its recommendations to the County Council nor does it impact the County Council’s time frame for considering the recommendations and issuing its decisions. (See the attached timeline.)

Prepared by: Department of Planning

Bill 85-22**Council District(s) All**

Mr. Jones (By Req.)

Office of Law

Membership Requirements for the Administrative Charging Committee

Bill 85-22 updates the membership requirements of the Baltimore County Administrative Charging Committee (ACC) to include the requirements set forth in COMAR 12.04.09.04.D-F. Generally, the ACC reviews findings from a police misconduct investigation made by the Police Department to decide whether or not to administratively charge the Police Officer subject to the investigation. The ACC was established with the enactment of Bill 24-22 in May 2022. The establishment of the ACC was required by a 2021 State law (H.B. 670) that, among other provisions, required jurisdictions to establish local Police Accountability Boards (PAB) and ACCs by July 1, 2022. See Exhibits A and B.

Under current County law, a Committee member must be an adult and a resident of Baltimore County, and must receive certain training before serving. Additionally, Committee members must meet all requirements set forth in Title 3, Subtitle 1 of the Public Safety Article of the Annotated Code of Maryland or subsequent regulations adopted by the Maryland Police Training and Standards Commission (MPTSC).

State Regulations

In addition to the local jurisdiction requirements, H.B. 670 required the MPTSC to develop police disciplinary standards and promulgate regulations governing many aspects of PABs and ACCs. These regulations were first released to the public on June 24, 2022 on an emergency basis. The emergency designation means the regulations are in effect for 180 days until fully finalized regulations are published. The 180 days is due to expire on December 21, 2022.

The provisions of COMAR 12.04.09, governing county PABs and ACCs, are broad and provide counties with great latitude in establishing their respective boards and committees. COMAR

12.04.10 establishes guidelines surrounding the official police disciplinary matrix (published separately) on which PABs and ACCs will rely to carry out their duties.

Bill 85-22 expressly adopts the recommended membership requirements, as set forth in COMAR 12.04.09.04.D-F.

COMAR 12.04.09.04.D

Subsection D(1) sets forth ACC membership eligibility, requiring members to be:

- (a) At least 21 years old;
- (b) A legal resident or citizen of the United States of America;
- (c) A resident of the County;
- (d) Of good moral character; and
- (e) Free from bias that may negatively impact the integrity of the ACC.

Subsection D(2) permits the County to exclude an individual from appointment to the ACC for ethical and public trust-related reasons consistent with the ACC's business needs. Reasons for exclusion may include, but are not limited to:

- (a) An individual has a demonstrable conflict of interest, as determined by the County;
- (b) An individual is under criminal investigation by a law enforcement agency;
- (c) An individual is charged with a crime pending before a court; or
- (d) An individual has been convicted of, or has received probation before judgement for a felony or misdemeanor for which a sentence for one or more years could have been imposed.

COMAR 12.04.09.04.E

Subsection E(1) requires that an individual applying to be an ACC member:

- (a) Submits to a background investigation with the law enforcement agency or investigative firm chosen by the County;
- (b) Successfully completes the MPTSC's required training before serving as a member; and
- (c) Signs an agreement to maintain the confidentiality of matters and information considered by the ACC until final disposition.

Subsection E(2) permits the County to authorize a background investigation to determine if an individual applying to be an ACC member is of good moral character and unencumbered by conflicts of interest. The County shall ensure that a background investigation includes, but is not limited to, an examination of publicly available records and a review of the individual's presence

on social media websites, applications, and platforms. Last, the law enforcement agency or firm conducting the background investigation shall report the results in writing to the County.

COMAR 12.04.09.04.F

Section F permits the County to refuse to appoint an individual to serve as an ACC member if the individual:

- (1) Does not meet the eligibility requirements in Section D, if those requirements are adopted by the County;
- (2) Does not agree to the membership requirements in Section E, if those requirements are adopted by the County; or
- (3) Is determined to be unsuitable for membership by the County based on the results of the background investigation.

Upon passage by the County Council, Bill 85-22 will take effect 45 days from the date of its enactment.

Executive Summary

The Bill effects a technical amendment, which is required by a change in regulations “as proposed” by the Maryland Police Training and Standards Commission, which then resulted in the regulations “as approved” by the Maryland Office of Attorney General. A technical amendment is needed because the State changed its proposed regulations *after* enactment of the county ordinance (Bill 24-22), making some of the regulations advisory. The proposed regulations used “shall,” but the Maryland Office of Attorney General required that certain uses of “shall” be changed to “may,” and the regulations were enacted that way. The amendment is needed to carry out the intent of the county ordinance (Bill 24-22) to make applicable membership requirements for Administrative Charging Committee members, as adopted by the Maryland Police Training and Standards Commission. The Bill expressly adopts the recommended membership requirements, as set forth in COMAR 12.04.09.04.D-F.

Prepared by: Office of Law

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION

Chapter 09 Police Accountability Boards and Administrative Charging Committees

Authority: Public Safety Article, §3-208 and §3-114; Annotated Code of Maryland

.01 Purpose.

A. This chapter establishes a civilian process to receive and process allegations of police officer misconduct involving a member of the public, review administrative investigations, and make disciplinary recommendations involving misconduct.

B. The agency head of each law enforcement agency shall develop the agency's own procedures to process complaints of misconduct that do not involve a member of the public.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "ACC jurisdiction" means the governmental entities responsible under Public Safety Article, §3-104(a) and (b), Annotated Code of Maryland for establishing a jurisdictional ACC and appointing the jurisdiction's ACC members.

(2) "Administrative Charging Committee (ACC)" has the meaning stated in Public Safety Article, §3-104, Annotated Code of Maryland.

(3) "Agency head" has the meaning stated in COMAR, 12.04.01.01.

(4) "Agency review" means a thorough evaluation of the entire completed investigative file by the agency head.

(5) "Conflict of interest" means real or seeming incompatibility between an individual's private interests and the individual's official responsibilities in a position of trust.

(6) "Final Disposition" means:

(a) The police officer accepts the ACC recommendation if the agency head does not increase the penalty;

(b) The police officer accepts the agency head's increased penalty disposition;

(c) The police officer accepts the Trial Board's finding; or

(d) The appeal process is exhausted.

(7) "Good moral character" means an individual's behavior, habits, and actions may generally be regarded as being:

(a) Honest, ethical, candid, trustworthy, diligent, and fair;

(b) Respectful of the law and committed to the administration of justice; and

(c) Observant of the rights of other individuals.

(8) "Law enforcement agency" has the meaning stated in Public Safety Article, 3-201, Annotated Code of Maryland.

(9) "Local governing body" has the meaning stated in Public Safety Article, §14-401, Annotated Code of Maryland.

(10) "Police Accountability Board (PAB)" has the meaning stated in Public Safety Article §3-102, Annotated Code of Maryland.

(11) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(12) "Uniform State Disciplinary Matrix" has the meaning stated in Public Safety Article, §3-105, Annotated Code of Maryland.

.03 Police Accountability Board.

A. A PAB shall ensure public accountability and transparency over the powers exercised by law enforcement agencies.

B. A local governing body shall establish a PAB consistent with the provisions established in Public Safety Article, §3-102, Annotated Code of Maryland.

C. A local governing body shall determine the number of individuals necessary to administer the PAB.

D. PAB Membership Eligibility.

(1) A local governing body may impose eligibility criteria on PAB membership such as requiring that an applicant be:

(a) At least 21 years old;

(b) A legal resident or citizen of the United States of America; and

(c) A resident of the jurisdiction the PAB serves.

(2) An appointed member shall sign an agreement to maintain the confidentiality of PAB matters related to individual complaints until final disposition.

.04 State Administrative Charging Committee and Local Administrative Charging Committees.

A. Consistent with provisions established in Public Safety Article, §3-104, Annotated Code of Maryland, an ACC jurisdiction shall:

- (1) Have one ACC to serve law enforcement agencies within its ACC jurisdiction; and
- (2) Develop written procedures for processing police officer misconduct complaints involving members of the public.

B. A law enforcement agency shall establish written procedures for handling complaints of police officer misconduct that do not involve members of the public.

C. Public Invitation to Apply for ACC.

(1) At least 30 days prior to selecting a member, an ACC jurisdiction shall publicly invite individuals to apply for an appointment to a membership vacancy on the ACC.

(2) An ACC jurisdiction shall, at minimum, publicly announce on its website an ACC appointment prior to the member's initial term, successive term, or expiration of term.

D. ACC Membership Eligibility.

(1) To the extent permitted by law, an ACC jurisdiction may limit its membership eligibility, by requiring, for example, a member to be:

- (a) At least 21 years old;
- (b) A legal resident or citizen of the United States of America;
- (c) A resident of the jurisdiction the ACC serves;
- (d) Of good moral character; and
- (e) Free from bias that may negatively impact the integrity of the ACC.

(2) If permitted by law, an ACC jurisdiction may exclude an individual from appointment to its ACC for ethical and public trust-related reasons consistent with the ACC's business needs. An ACC jurisdiction's reasons for exclusion may include, but are not limited to:

- (a) An individual has a demonstrable conflict of interest, as determined by the ACC jurisdiction;
- (b) An individual is under criminal investigation by a law enforcement agency;
- (c) An individual is charged with a crime pending before a court; or
- (d) An individual has been convicted of, or has received probation before judgement for a felony or misdemeanor for which a sentence for one or more years could have been imposed.

E. ACC Membership Requirements.

(1) To the extent consistent with Public Safety Article, §3-104, Annotated Code of Maryland, an ACC jurisdiction may require as a condition of its membership, that an individual applying to be an ACC member:

- (a) Submits to a background investigation with the law enforcement agency or investigative firm chosen by the ACC jurisdiction to which the individual has applied;
- (b) Successfully completes the Police Training and Standards Commission's required training before serving as a member; and
- (c) Signs an agreement to maintain the confidentiality of matters and information considered by the ACC until final disposition.

(2) Background Investigation.

(a) To the extent permitted by law, an ACC jurisdiction may authorize a background investigation to determine if an individual applying to be an ACC member:

- (i) Is of good moral character; and
 - (ii) Unencumbered by conflicts of interest.
- (b) An ACC jurisdiction shall ensure that a background investigation includes, but is not limited to:
- (i) An examination of publicly available records; and
 - (ii) A review of the individual's presence on social media websites, applications, and platforms.
- (c) The law enforcement agency or firm conducting the background investigation shall report the results in writing to the ACC jurisdiction that made the request.

F. Grounds for Refusal of an Appointment to the ACC. If permitted by law, an ACC jurisdiction may refuse to appoint an individual to serve as a member, if the individual:

- (1) Does not meet the eligibility requirements imposed by the ACC jurisdiction under §D of this regulation;
- (2) Does not agree to the membership requirements imposed by the ACC jurisdiction under §E(1) of this regulation; or
- (3) Is determined to be unsuitable for membership by the ACC jurisdiction based on the results of the background investigation.

G. Self-reporting of Adverse Events.

(1) A member has an ongoing and continuous obligation to report immediately to the chairman of the ACC any event that may harm the public trust of the ACC.

(2) Adverse events include, but are not limited to:

- (a) Conflicts of interest;
- (b) Criminal charges;
- (c) Criminal investigations; and

FM-1 (Contract)

Council District(s) All

Department of Economic & Workforce Development

Creative Rebranding – Baltimore County Tourism

The Administration is requesting approval of a contract with Marriner Marketing Communications, Inc. to provide a creative tourism rebrand, including a new website, in order to help drive tourism visits and overnight stays to the County. The contract commences upon Council approval, continues for 2 years, and will renew automatically for three additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation for the initial 2-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for the entire contract term. The Department is unable to provide an estimated compensation for the initial 2-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. Estimated compensation for the first year of the initial term totals \$800,000. See Exhibit A.

Fiscal Summary

Funding Source	First Year Compensation	Notes
County	--	(1) U.S. Department of Treasury, American Rescue Plan (ARP) Act funds.
State	--	(2) Estimated compensation for the first year of the initial 2-year term. The Department is unable to provide an estimated compensation for the initial term or for the entire 5-year and 4-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services during the entire contract term.
Federal⁽¹⁾	\$ 800,000	
Other	--	
Total	<u>\$ 800,000</u>	(2)

Analysis

The Department advised that the contractor will provide a creative rebranding, including new website development and other deliverables, for “Enjoy Baltimore County” in order to increase

destination awareness to help drive tourism visits and overnight stays to the County. The Department further advised that “Enjoy Baltimore County” has not undergone branding exercises within the last 10 years.

The contractor’s responsibilities are divided into four areas, as follows:

- Account Management and Planning: provide an account manager to serve as a point of contact; develop an annual marketing plan to promote the County to target leisure audiences; develop creative briefs; deliver regular reports for initiatives and projects; and manage and track the marketing budget.
- Creative Services: create a new brand look/feel and voice/tone for Baltimore County’s tourism brand, including a new logo, fonts, and color palettes; conceptualize a potential new name for “Enjoy Baltimore County,” and develop and produce creative concepts and materials to support the recommended marketing plan.
- Media Services: recommend an annual media plan and targeted audience; perform media planning and buying functions; and identify and assess media opportunities/changes in media trends.
- Website Design: redesign the existing site, including potentially adding blog functionality, integrating an email newsletter, and providing tools to help visitors locate attractions within a given proximity.

The County will pay the contractor in accordance with a fee schedule, which includes: a blended hourly rate of \$170 per hour for creative, media, and production services; an account management fee of \$6,500 per month; an 8% media commission rate; and a website design lump sum cost of \$95,000. Out-of-pocket production services will be billed at cost, and there is no markup on third party production services.

The contract commences upon Council approval, continues for 2 years, and will renew automatically for three additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 2-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services during the entire contract term. Estimated compensation totals \$800,000 for the first year of the initial term. The Department is unable to provide an estimated compensation for the initial 2-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. The County may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract through a competitive procurement process based on experience and best value from seven proposals received. According to the procurement documents, there was a 20% M/WBE participation requirement per task.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

Executive Summary

Baltimore County's Department of Economic and Workforce Development (DEWD) issued an RFP seeking a qualified firm to assist the County with a complete and creative tourism rebrand. The result will be creation of a new brand, logo, corresponding collateral for digital, print and a new website in order to increase destination awareness to help drive tourism visits and overnight stays to the County, with research proven deliverables.

The RFP scope of work included: Media Services; Creative Development; Website Design; and Account Management. Baltimore County evaluated seven qualified proposals and chose to award the contract to Marriner Marketing Communications, Inc.

Marriner's strengths include:

- Experience in the tourism industry and working with government partners.
- A strong understanding of Baltimore County physical assets and regional demographics.
- And most importantly, their proposal demonstrated a solid administrative and organizational structure that will greatly assist in carrying out the desired outcome.

Fees for this project are: \$170/creative blended hourly rate, \$170/media services blended hourly rate, \$170/production services blended hourly rate, \$6500/month account management fee, and website design and creation will be \$95,000. We have budgeted \$800,000 for this project, and we are funding all work with ARPA funding.

Prepared by: Department of Economic & Workforce Development

FM-2 (2 Contracts)

Council District(s) All

Department of Permits, Approvals and Inspections

Rat Eradication

The Administration is requesting approval of two contracts, with Pest Services Company and Orkin, LLC d/b/a Regional Pest Management, to provide integrated pest management services to control, reduce, and eradicate rat populations in County communities on an as-needed basis. Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. The contracts do not specify a maximum compensation for the initial 1-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services during the entire contract term. Estimated compensation for both contractors combined totals \$2.8 million for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Combined Total Compensation	Notes
County ⁽¹⁾	\$ 2,800,000	⁽¹⁾ Neglected Property Community Fund.
State	--	⁽²⁾ Estimated combined compensation for the entire 5-year and 4-month term, including the renewal and extension periods.
Federal	--	Compensation may not exceed the amount appropriated for these services during the entire contract term.
Other	--	
Total	<u>\$ 2,800,000</u> ⁽²⁾	

Analysis

The contractors will provide all time, materials, labor, and incidentals needed to perform integrated pest management (IPM) services to control, reduce, and/or eradicate rat populations in County communities on an as-needed basis. The Department advised that IPM is a program of pest control conducted by making accurate decisions as to when control measures are needed, which type of control measure to select, and which method of applications will be most effective; control practices in an IPM program must extend beyond the routine application of rodenticides to include monitoring and inspecting for pests, modifying structures, and training for both the pest management contractor and residents. The Department further advised that it is the County's intention to employ a system to optimize, not maximize, the use of rodenticides and other control measures.

The Department advised that the proposed contractors will provide IPM services in the following 25 neighborhoods, which are currently designated as targeted areas with the greatest need for immediate and ongoing services:

Ballard Gardens	Eastwood	Middlesex
Bear Creek	Edmondson Heights	North Point Village
Berkshire	Fox Croft	Ridgely
Boston Courts	Hawthorne	Riverview
Charlesmont	Hillendale	Saint Helena
Colgate	Knettishall	West Edmondale
Eastfield	Loch Raven Village	West Inverness
Yorkway		

During an 8-week period, the contractors will inspect for the presence of rat burrows in residential yards (including front and back yards) and storm drain inlets in alleyways; treat, collapse, fill, and flag the treated burrows; confirm the visual inspection of properties with no burrows; and perform two repeat inspections with retreatment if needed. The Department advised that after an 8-week treatment cycle is completed, the County may request that the neighborhood be placed on a maintenance program, which would include the placement of bait boxes throughout the community; the Department may also request treatment on individual properties and hot spot areas. The Department further advised that the contractors will also be available to attend one association meeting per neighborhood per treatment cycle.

The Department advised that it may, in some instances, deploy a less intensive treatment plan in additional neighborhoods on a per-property basis, which would involve a front- and rear-yard property inspection with treatment and marking as needed and a follow-up inspection/treatment two weeks later. In instances where rat burrows are unable to be treated (e.g., burrows are under a structure), the contractors will utilize bait boxes to be serviced monthly.

The Department advised that to enhance the IPM program's ability to meet the County's rat eradication goals, the proposed contracts provide the Department with more flexibility in adding neighborhoods, assigning neighborhoods, and treating for rats in a manner that is best suited for each neighborhood. The Department further advised that the proposed contracts require the contractors to perform additional data tracking and provide metrics to the County to enable the County to make changes in the treatment type for each neighborhood, if needed. The contractors are also required to provide expert education literature for the County to distribute to residences, as well as be available to attend community meetings within the neighborhoods that they are treating.

The unit prices charged by each contractor are as follows:

	Regional Pest Management	Pest Services Company
All-inclusive rat eradication treatment (based on targeted neighborhood)	\$1,733 – \$25,389	\$7,500 – \$44,000
Maintenance service, initial set-up and bait station purchase (based on targeted neighborhood)	\$185 - \$5,325	\$2,500 - \$16,000
Maintenance service, monthly treatments (based on targeted neighborhood)	\$309 - \$1,645	\$125 - \$150
<u>Specific Complaint-Driven Requests</u>		
Rat eradication services	\$8/home; \$15/home with bait boxes	\$75/home (with or without bait boxes)
Rat eradication, baiting storm drain inlets	\$8/inlet	\$25/inlet
Visual property inspection and color flagging property	\$5/property	\$25/property

The Department advised that neighborhoods will be assigned by geographic location and according to the contractors' capabilities to serve each neighborhood; for example, the Department will assign the contractors to neighborhoods that are in the nearest proximity to each other in order to perform services in the most efficient manner.

Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contracts do not specify a maximum compensation for the initial 1-year term or for the entire 5-year and 4-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services during the entire contract term. Estimated compensation for both contractors combined totals \$2.8 million for the entire 5-year and 4-month term, including the renewal and extension periods. The County may terminate the agreements by providing 30 days prior written notice.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in unit prices in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower.

The County awarded the contracts through a competitive procurement process. The Department advised that three proposals were received; however, one respondent withdrew its proposal during the evaluation process. The Department advised that there was not an M/WBE participation requirement.

On May 1, 2017, the Council approved two similar 5-year and 4-month contracts, which commenced April 3, 2017, with Regional Pest Management, Inc. and Home Paramount Pest Control Company. The Department further advised that as of December 5, 2022, the County has expended/encumbered \$1,495,013 under the contracts: \$1,222,202 to Regional Pest Management, Inc. and \$272,811 to Home Paramount Pest Control Company. The contracts expired August 2, 2022. On July 3, 2017, the Council approved two 5-year and 4-month contracts, with Daniel Purdie d/b/a Big Dan the Pest Man Pest Control and Solomon's Exterminating, Inc. d/b/a Solomon's Termite & Pest Control, to provide similar services in communities outside of the targeted neighborhoods in the aforementioned contracts. The Department advised that as of

December 5, 2022, the County has expended/encumbered \$136,684 under the contracts: \$111,184 to Big Dan the Pest Man Pest Control and \$25,500 to Solomon's Termite & Pest Control. The contracts expired November 2, 2022. The Department advised that 13 neighborhoods were initially targeted for IPM under these contracts and that the number of neighborhoods increased to 23 during FY 2018. The Department further advised that it does not expect any negative impact on service delivery despite moving from four to two contractors.

The Department advised that the County currently has one other contract with Regional Pest Management.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

EXECUTIVE SUMMARY

These contracts are to provide all time, materials, labor and incidentals necessary to control, reduce and eradicate the rat populations in neighborhoods and other areas of the County as identified and may be identified in the future by the Department of Permits, Approvals and Inspections (PAI). Currently identified neighborhoods are targeted areas with the greatest need for immediate and ongoing Integrated Pest Management (IPM) services. The IPM price proposal for each neighborhood is "all-inclusive" of costs to perform a comprehensive and thorough inspection of each accessible property, treatment of burrows as necessary over an eight-week period. After the eight-week cycle of treatment is completed, PAI may request that a neighborhood be placed on a maintenance program to ensure optimal, ongoing results are achieved. Funding for these contracts is from the Neglected Property Community Fund.

Prepared by: Department of Permits, Approvals and Inspections

FM-3 (Contract)

Council District(s) All

Department of Public Works and Transportation

Financial Consulting Services – Validation – Water Rates & Sewer Charges

The Administration is requesting approval of a contract with Raftelis Financial Consultants, Inc. to provide financial consulting services, including performing a third-party water and sewer rate review/validation, conducting a cost-of-service analysis of the Metropolitan District Fund (i.e., to assist in determining whether current rate structures are appropriate), and incorporating the results into a financial analysis model (dashboard) to assist the County in determining impacts of changes in water and sewer rate methodologies. The contract commences upon Council approval, continues through June 30, 2025, and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement. Compensation may not exceed \$111,426 during the entire contract term. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 111,426	⁽¹⁾ Capital Projects Fund (Metropolitan District). ⁽²⁾ Maximum compensation for the entire term of the agreement. The contract will continue through June 30, 2025 and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement.
State	--	
Federal	--	
Other	--	
Total	\$ 111,426	⁽²⁾

Analysis

The Department advised that in recent years, including 2022, in light of Baltimore City's role in managing the regional water system, Raftelis has provided consulting services pertaining to the County's Metropolitan District Fund under a contract with the City; contract costs have been

shared between the City and the County according to a cost-sharing Memorandum of Understanding (MOU) signed in October 2020. Services have included developing a long-term financial plan for the County's Metropolitan District Fund and providing a third-party validation of user rate charge recommendations, developing a rate design dashboard to test alternative rate structures to assist the County in determining the impacts of changes in water and sewer rate methodologies, and other related services.

Under the proposed contract, Raftelis will provide the following similar services directly to the County: complete the third-party rate review that is performed annually in conjunction with the County's budget cycle for the next three years; perform a cost-of-service analysis of the Metropolitan District Fund consistent with industry guidelines; and complete the dashboard (integrate the cost of services, current production data, and perform quality assurance and data validation).

The contract commences upon Council approval, continues through June 30, 2025, and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement. Compensation may not exceed \$111,426 during the entire contract term. The County may terminate the agreement by providing written notice.

The Department requested that the proposed contract be designated as a noncompetitive 902(f) award secured in the best interest of the County since Raftelis has recent experience performing these services. In addition, the Department advised that Raftelis is performing similar services for Baltimore City and has unique insight into the City's water service operations, which is critical since the City provides water service to the County.

County Charter, Section 902(f), states that "when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations."

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

Executive Summary

The Administration is requesting approval of a Purchase Order with Raftelis Financial Consultants, Inc. to provide financial consulting services assisting the County with the development and validation of water rates and sewer service charges, third-party water and sewer rate validation, incorporation of cost of service results into the financial analysis model, and reporting. Third party rate validation is industry best practice in management of utility billing rates.

The contract commences upon County Council approval [, continues through June 30, 2025,] and ~~shall continue~~ [may be extended] through the earlier of the date upon which the required services are completed or the County terminates the agreement. Compensation paid to the Contractor shall not exceed the sum of \$111,426 for the entire term of the contract.

Prepared by: Department of Public Works and Transportation

FMs-5 & 7 (2 Contracts)

Council District(s) All

Department of Public Works and Transportation

Snow Removal/Deicing Services

The Administration is requesting approval of two contracts, with ASB 2 Enterprises, Inc. (FM-5) and R.L. Johnson Asphalt, Paving & Seal Coating, Inc. (FM-7), to provide on-call snow removal and salt application services. Each contract commences upon Council approval, continues through April 30, 2023, and may be renewed automatically for four additional 1-year periods. (November 1 through April 30 constitutes a snow season.) Compensation for these contracts, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire approximate 4-year and 4½-month term, including the renewals. The contract amounts are not reasonably estimable at this time. The FY 2023 budget for the Storm Emergencies Program totals \$7.5 million, including \$3.1 million for contractual snow removal services. See Exhibits A and B.

Fiscal Summary

Funding Source	Initial Term	Combined Maximum Compensation
County ⁽¹⁾	*	*
State	--	--
Federal	--	--
Other	--	--
Total	* ⁽²⁾	* ⁽³⁾

⁽¹⁾ General Fund Operating Budget.

⁽²⁾ The hourly rates for these contractors are \$175 and \$135, depending on the type of equipment provided, with no specified maximum compensation. The contracts, together with all other contracts for these services, are limited in the aggregate to the amount appropriated for snow removal and salt application services. The contract amounts are not reasonably estimable at this time.

⁽³⁾ Maximum compensation, together with all other contracts for these services for the entire approximate 4-year and 4½-month term, including the renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amounts are not reasonably estimable at this time.

Analysis

In accordance with the Department's snow removal plan, responsibility for most Priority 1 routes (i.e., roads with traffic volumes of at least 10,000 vehicles per day) will be assigned to contractors, allowing the County to focus its efforts on subdivision streets more quickly.

The two requested contracts are with ASB 2 Enterprises, Inc. (FM-5) and R.L. Johnson Asphalt, Paving & Seal Coating, Inc. (FM-7). Each contract commences upon Council approval, continues through April 30, 2023, and may be renewed automatically for four additional 1-year periods on the same terms and conditions, unless the County provides notice of non-renewal. Compensation paid to all contractors providing snow removal and salt application services may not exceed the amount appropriated during the entire approximate 4-year and 4½-month term, including the renewals. The Department advised that an estimated amount for each contract is undeterminable due to the unpredictable nature and timing of snowfalls (i.e., density and depth of snowfalls, number of snowfalls occurring during the season). The County may terminate the agreements by providing 30 days prior written notice.

The FY 2023 budget for the Storm Emergencies Program totals \$7.5 million, including \$3.1 million for contractual snow removal services. The County's financial system indicated that FY 2022 snow removal expenditures totaled \$7.2 million, including \$2.8 million for contractual services.

The two contractors will provide the following:

<u>Contractor</u>	<u>Equipment</u>	<u>Hourly Rate</u>
R. L. Johnson Asphalt, Paving & Seal Coating, Inc.	1 single-axle dump truck with plow and spreader	\$175
ASB 2 Enterprise, Inc.	3 one-ton pick-up trucks or single- axle dump truck, each with plow and spreader	\$135

Each contractor will be paid based on the actual hours the equipment is in service, including up to 2 hours for travel time (1 hour each to and from the County highway shop). Additionally, the minimum work shift for any dispatched truck is 4 hours. The County will provide all rock salt for spreading on road surfaces.

The Office of Budget and Finance, Purchasing Division advised that the pricing and contract terms are based on similar contracts established by the State of Maryland. However, hourly rates may be changed at the beginning of each snow season based on the State rates in effect at that time. The State contracts include an additional incentive payment to the contractors after the snow season ends in the amount of \$500 per truck if the contractors were available and present for all snow events. The County's contracts also include this incentive payment.

The County awarded the contracts through a competitive procurement process; no other bids were received. According to the bid documents, there was not an M/WBE participation requirement.

For the 2022/2023 snow season, the Department advised that snow removal equipment (e.g., trucks, loaders, backhoes, and graders) is available from its Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, the Department of Education, and the Office of Budget and Finance – Property Management Division. The Purchasing Division advised that as of December 1, 2022, the County has contracts with 45 contractors that provide approximately 237 trucks and 58 pieces of equipment, excluding the proposed two contracts.

On February 22, 2022, the Council approved a contract for similar services with R.L. Johnson Asphalt, Paving & Seal Coating, Inc., which expired April 30, 2022. The County's financial system indicated that expenditures under this contract totaled \$1,805.

On December 5, 2022, the Council approved a contract with ASB 2 Enterprises, Inc. to provide on-call snow removal services at various County-owned and/or operated facilities.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

Executive Summary

Vendor Name-A.S.B. 2 Enterprises Inc.

Purpose-Additional resources are needed to supplement County crews, especially during large events.

Scope of Contract-The contractor shall provide snow removal and salt application services which the County may require during the Term. Snow removal shall consist of pushing all snow off the road surfaces of designated routes, to the sides of the roadways, salt application shall involve the even distribution of rock salt across the same road surfaces being plowed by means of a salt spreader. The contract specifies equipment as: One (1) Dodge Ram 2500 with plow and spreader, Two (2) Dodge Ram 3500 with plows and spreaders.

Contract Value- The contract does not specify a contract cap. The cap is tied to the total appropriation for snow removal services. The County reserves the right to order such services as may be required during the Term, and it also reserves the right not to order any services, if it is found that such services are not required by the County during the Term.

Term of Contract-The term of the contract is effective when executed by the County Council and shall continue until April 30, 2023 (the "Initial Term"). The County reserves the right to renew this Agreement for four (4) additional one-year (1) renewal options on the same terms and conditions set forth herein.

Vendor Selection Method-The vendor was selected by competitive bid process.

Prepared by: Department of Public Works and Transportation

Executive Summary

Vendor Name- R L Johnson Asphalt, Paving & Seal Coating, Inc.

Purpose-Additional resources are needed to supplement County crews, especially during large events.

Scope of Contract-The contractor shall provide snow removal and salt application services which the County may require during the Term. Snow removal shall consist of pushing all snow off the road surfaces of designated routes, to the sides of the roadways, salt application shall involve the even distribution of rock salt across the same road surfaces being plowed by means of a salt spreader. The contract specifies equipment as: (one) Single axle dump truck with plow and spreader.

Contract Value- The contract does not specify a contract cap. The cap is tied to the total appropriation for snow removal services. The County reserves the right to order such services as may be required during the Term, and it also reserves the right not to order any services, if it is found that such services are not required by the County during the Term.

Term of Contract-This Agreement shall be effective when executed by County Council and shall continue until April 30, 2023 (the "Initial Term"). The County reserves the right to renew this Agreement for four (4) additional one-year (1) renewal options on the same terms and conditions set forth herein.

Vendor Selection Method-The vendor was selected by competitive bid process.

Prepared by: Department of Public Works and Transportation

FM-6 (Contract)

Council District(s) All

Department of Public Works and Transportation

Mobile Meter Data Collection – Field Meter Reads

The Administration is requesting approval of a contract with Itron, Inc. to provide water meter inspection and repair services throughout the County. The contract commences upon Council approval, continues through June 30, 2023, and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement. Compensation may not exceed \$380,324 during the entire contract term. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 380,324	⁽¹⁾ Capital Projects Fund (Metropolitan District).
State	--	⁽²⁾ Maximum compensation for the entire term of the agreement.
Federal	--	The contract will continue through June 30, 2023 and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement.
Other	--	
Total	\$ 380,324 ⁽²⁾	

Analysis

The Department advised that the contractor will provide water meter inspection and repair services, including services related to encoder receiver transmitter (ERT) devices (transmit meter data), meter troubleshooting, and meter replacement throughout the County. The Department further advised that the contractor specializes in mobile data collection and troubleshooting field utility meters to ensure that data collection devices are able to read the data stored on the meters. The Department also advised that the contractor owns the utility metering data collection software and hardware systems which the City uses to collect water usage data in order to bill County

water customers (on the City's water bill) and the County uses to bill annual sewer service charges (on the County's property tax bill).

The Department advised that approximately 1,320 meters have been identified as not communicating consumption data, and that these water customers have been billed minimum charges for both water and sewer service. The Department further advised that the 1,320 meters will be repaired under the contract and that sewer revenues will increase by at least \$1.6 million annually as a result of these repairs. The Department advised that customers who experience a large increase in sewer charges from the prior year are notified prior to the July 1 billing period.

The contract commences upon Council approval, continues through June 30, 2023, and may be extended through the earlier of the date upon which the required services are completed or the County terminates the agreement. Compensation may not exceed \$380,324 during the entire contract term. The County may terminate the agreement by providing written notice.

The County previously contracted with Itron, Inc. to provide meter reading and field investigation services as a result of the City being unable to conduct utility meter reads due to a reduced workforce during the pandemic. The Department advised that the contractor also performed data analysis to identify the meters that are not accurately reporting water consumption data. The Council was notified of this 3-year contract, which totaled \$782,999, through Correspondence on the October 5, 2020 Legislative agenda. The Department advised that the meter reading services were completed by April 30, 2021 and that the current unobligated amount of \$105,000 is still available for use.

The Department requested that the proposed contract be designated as a noncompetitive 902(f) award secured in the best interest of the County since Itron, Inc. is familiar with the City-County data; is experienced with the process and protocols between the City and County for the metering and billing operations of County customers; previously provided similar services for the County; currently provides similar services for the City; and owns and specializes in the software and hardware used in the ERT devices.

County Charter, Section 902(f), states that "when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations."

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

Executive Summary

The Administration requests approval of a Purchase Order with Itron, Inc. to provide professional services for meter inspection and repair services to include, but not limited to encoder receiver transmitter (ERT) devices, meter troubleshooting, and meter replacements for various sized meters up to and including 2" meters throughout the County. The agreement has a not to exceed amount of \$380,323.98. The term for this agreement will be effective upon Council approval.

Approximately a total of 1,320 meters have been identified that are not currently communicating any consumption data. As a result, these meters are being underbilled currently and are only billed minimum charges for both water and sewer service charges. After completing a thorough data analysis of these meters, the Administration estimates a potential increase in sewer revenues in the first year to be approximately \$1.6m after repairing only 94 of the total meters identified. More importantly, repairing these meters so their usage data can be collected will accurately charge system users for actual services used, which will help maintain lower costs in the future to all system users.

Itron specializes in mobile data collection and troubleshooting field utility meters to ensure the data stored on the meters can be read by data collection devices. Itron owns the utility metering data collection software and hardware systems which the City utilizes for the field data collection system to collect the usage data from the water meters in order to bill water to County customers. The County then uses that data to bill annual sewer service charges to County property owners.

Itron currently supports the City-County meter data, and is experienced with the processes and protocols between the two jurisdictions for the metering and billing operations for County customers. Selecting Itron to perform these services is in the best interests of the County as the contractor previously performed work of a similar nature for the County, currently performs similar work for the City, and owns and specializes in the technology software and hardware used in the ERT devices utilized by the City to collect consumption data from the water meters within the County.

Prepared by: Department of Public Works and Transportation

MB-2 (Res. 48-22)**Council District(s) 5 & 7**

Mr. Jones (By Req.)

Department of Public Works and Transportation

Baltimore County Water Supply and Sewerage Plan

Resolution 48-22 amends the Baltimore County Water Supply and Sewerage Plan (Amendment Cycle 40). Amendments to the Plan are made annually and on an emergency basis in accordance with the Executive Orders of April 11, 1990, July 22, 2003, and August 28, 2009.

On July 21, 2022, the Planning Board held an advertised public hearing on the requests for amendments to the Plan and reported the results of the hearing to the County Executive. The Departments of Environmental Protection and Sustainability, Public Works and Transportation, and Planning and the Planning Board reviewed the requests and offered recommendations. Planning Board approval occurred on September 1, 2022. The County Executive reviewed the proposed amendments and submitted them to the County Council for approval. Resolution 48-22 adopts the recommendations for these requests.

Upon County Council approval, the amendments to the Plan will be submitted to the Maryland Department of the Environment, which has 90 days to act on the amendments. If approved, the amendments become part of the regulatory Plan.

W= Water

S = Sewer

- | | |
|---|---|
| <hr/> 1. S-1 and W-1:
2. S-2 and W-2:
3. S-3 and W-3:

4. S-4 and W-4:
5. S-5 and W-5:

6. S-6 and W-6:

7. S-7 and W-7: | <hr/> Existing water and/or sewer area.
Not utilized.
Capital facilities area – in order to provide service, facilities need to be built and money is in the current year's Capital Budget or the ensuing 5 years' estimated budgets. Facilities are subject to budget limitations, petitions made for service, public works agreements, etc.
Not utilized.
Master Plan area – capital facilities are required to support the Land Use Master Plan. However, these areas are usually not in the Metropolitan District and the owners must petition to be included.
Areas of future consideration for Metropolitan District facilities.
No planned Metropolitan District facilities. |
|---|---|

The requested amendments to the Plan are as follows:

Address/Property Name	Current Designation	Proposed Designation
9000 North Point Road (Todd's Inheritance)	W-5; S-5	W-1; S-3
1021 Carroll Island Road (CP Crane Generating Station): Parcel 155, Parcel 154 (between Parcel 155 and Parcel 141), and Parcel 141	W-7; S-7	W-1; S-1
1021 Carroll Island Road (CP Crane Generating Station): Parcel 154 (above Parcel 155), Parcel 140 Part 1, and Parcel 140 Part 2	W-7; S-7	W-3; S-3
1935 Back River Neck Road (Rocky Point Golf Course)	W-7; S-7	W-3; S-3
6259 Days Cove Road (Eastern Sanitary Landfill)	URDL exemption - no revisions to the water and sewer map designations	

This resolution shall take effect from the date of its passage by the County Council.

MB-3 (Res. 49-22)

Council District(s) 7

Mr. Jones (By Req.)

Department of Public Works and Transportation

**Adopt – Daniels Sharpsmart Medical Waste Facility Amendment –
Baltimore County Solid Waste Management Plan**

Resolution 49-22 approves and adopts an amendment to the Baltimore County Solid Waste Management Plan for the Daniels Sharpsmart medical waste facility. State law requires the County to adopt and periodically amend a solid waste management plan. The most recent plan was adopted by the County Council in 2018 by Resolution 113-18. See Exhibit A.

The Code of Maryland Regulations (COMAR) 26.03.03.05 requires the County to include language in the County's Ten Year Solid Waste Management Plan (2019-2028) regarding the installation or extension of a solid waste acceptance facility or disposal system. Accordingly, the resolution would amend the Plan to include a new medical waste acceptance facility (Daniels Sharpsmart, Inc.) at 1201 67th Street in Rosedale.

Specifically, the amendment would add language about this proposed facility to Chapter V of the Plan, in the "Schedule of New Systems and Facilities" section. The Department advised that Daniels Sharpsmart, Inc. plans to open a privately-financed transportation, processing, and treatment facility for the disposal of medical waste in Rosedale. The Department further advised that to facilitate the disposal process, Daniels Sharpsmart, Inc. will also warehouse and distribute reusable containers to healthcare facilities; reusable containers will be processed through the operation, cleaned, and ultimately re-distributed back to healthcare facilities. The Department also advised that medical waste will be treated on-site; treated material will then be transported off-site to a permitted landfill. The Department advised that the facility will reduce plastic and cardboard waste by eliminating single-use containers.

The Planning Board held a public hearing on the amendment on September 1, 2022, and the Board approved the amendment on September 15, 2022. The Department accepted comments from the public through October 6, 2022 (35-day comment period).

A copy of this resolution shall be submitted to the County Executive for his approval and shall take effect from the date of his approval. Also, a copy of the medical waste facility amendment to the Baltimore County Solid Waste Management Plan, along with a copy of this resolution, will be submitted to the Maryland Department of the Environment upon the County Executive's approval. This resolution shall take effect from the date of its passage by the County Council.

Executive Summary

The Baltimore County Department of Public Works and Transportation, in accordance with the Code of Maryland Regulations (COMAR) 26.03.03.05, is proposing an amendment to Baltimore County's Ten Year Solid Waste Management Plan (2019-2028) regarding a new medical waste acceptance facility at 1201 67th Street in Rosedale, Maryland (Daniels Sharpsmart, Inc.).

The amendment would add language about this proposed facility to Chapter V of the Plan, in the "Schedule of New Systems and Facilities" section. Daniels Sharpsmart, Inc. plans to open a privately-financed transportation, processing, and treatment facility for the disposal of medical waste in Rosedale. To facilitate the disposal process, Daniels Sharpsmart, Inc. will also warehouse and distribute reusable containers to healthcare facilities. Reusable containers will be processed through the operation, cleaned, and ultimately re-distributed back to healthcare facilities. Medical wastes will be treated on-site. Treated material will then be transported off-site to a permitted landfill. The facility will reduce plastic and cardboard waste by eliminating single use containers.

The Baltimore County Planning Board, Department of Planning, held a public hearing on the amendment on September 1, 2022. The Board approved the Daniels Sharpsmart, Inc. amendment on September 15, 2022. The Department of Public Works and Transportation accepted comments from the public through October 6, 2022 (35 day comment period).

Prepared by: Department of Public Works and Transportation

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

MB-1(a)

TO: Administrative Officer

DATE: 11/14/22

FROM: Edward P. Blades, Director
Office of Budget & Finance

**COUNCIL MEETING
DATE:** 12/19/22

SUBJECT: Public Recordation of Announcement
of Non-Competitive Awards Charter Sec. 902(f)

Whenever a contract over \$25,000 is awarded by a process other than a formal competitive bid, a copy of the contract must be given to the County Council, and at the next legislative session-day following the award of the contract, the Secretary to the County Council shall formally announce to the Council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, and shall be available for inspection by the public. In compliance with this procedure, information is attached concerning the following awards, which are to be forwarded to the County Council:

Award Document

PO 10003010 Demaree Inflatable Boats, Inc. – Boat, Inflatable, Emergency Rescue

This Purchase Order provides for the purchase of an inflatable rescue boat, rescue sled and associated equipment through Demaree Inflatable Boats, Inc. Demaree Inflatable Boats, Inc., is the sole manufacturer of the Inflatable Rescue Boat (IRB) and Rescue Sled, and utilizes military grade fabrics and a unique vulcanization process in the manufacturing of their boats. This manufacturing process yields an industrial strength in the end product, which is suitable for server use. Vessels of this design are commonplace in fire departments across the State of Maryland.

Award Total: \$62,645.00

Award Date: 11/14/22

cc: J. Benjamin Jr.,
T. Bostwick
L. Smelkinson